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09/348,693	07/07/1999	WILLIAM R. VAN ETEN	65545-0001	5622

7590

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STEVENS, DAVIS, MILLER & MOSHER, LLP  
ATTN: NOREEN O. WELCH ESQUIRE  
1615 L STREET N.W.  
SUITE 850  
WASHINGTON, DC 20036

EXAMINER

KERR, DEBRA E

ART UNIT

PAPER NUMBER

3625

DATE MAILED: 07/29/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/348,693

Applicant(s)

VAN ET TEN ET AL.

Examiner

Debra E Kerr

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 5/15/2002.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Response to Amendment***

Examiner rejected claims 1-26 in a First Office Action of February 7, 2002. In an amendment filed 14 May 2002, applicants amended claim 9 and traversed Examiner's rejections of remaining claims.

Applicant's arguments with respect to claims 1, 10, 17 and 20 have been considered but are moot in view of the new ground(s) of rejection.

Claims 1-26 are pending; they will be considered for rejection.

### ***Response to Arguments***

Claims 1, 10, 17 and 20 were rejected under 102(b) as obvious in view of Povilus. Applicants argue that Povilus does not teach a special requisition, obtaining updated information from a special requisition that is added to a database, an item selection procedure for locating a desired item in a catalog database, an item specifying procedure invoked when the desired item isn't in the catalog, processing a request for a special item not in the database, specifying an additional relationship to identify a new item, incorporating the additional relationship into the determining rules and adding the special item to the database.

In response to applicant's arguments, the examiner apologizes for any confusion and puts forth new arguments using the same art. Dudle teaches creating a custom order for a special requisition not found in a catalog database of known items, transmitting the order to a manufacturer and adding the item specification to the

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electronic database for future reference (see at least col. 3 line 59 – col. 4 line 6 and col. 9 line 66 – col. 10 line 34). These teachings will be the basis for the rejections that follow.

7.42  
***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 1-3, 8-10, 11-16 and 17-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Povilus (US 5,740,425) in view of Dudle et al. (US 5,570,291).**

As per claim 1, Povilus discloses a procurement system for purchasing a special item, comprising a buyer for purchasing the special item (col. 22, line 40-44), a supplier for supplying the special item to said buyer (col. 44, lines 19-22), and a fulfillment organization for communicating between said buyer and the supplier (col.44, lines 23-28), a database associated with said fulfillment organization (col. 13, lines 26-27), and updated information which is added to the database for future reference (col. 36, lines 18-45). Povilus fails to teach a special requisition or updating a database with information which is obtained from the special requisition. Dudle teaches a Custom Order Entry subsystem and Forms Management subsystem that allow customers to

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create custom orders for special items, which can then be added to the database for processing future orders (col. 4, lines 5-6 and col. 9 line 66 – col. 10 line 34). It would have been obvious to one having ordinary skill in the art to combine Povilus's method for publishing electronic catalogues with Dudle et al.'s custom product ordering system so that a customer could create a special requisition for an item not found in a catalog, and then add the item specification to an item database for future reference. Doing so would increase customer satisfaction by allowing a manufacturer to rapidly fill repeat orders for a custom product.

As per claim 2, Povilus teaches an electronic multi-manufacturer product catalog (col. 3, lines 20-24), comprising a knowledge base containing predetermined rules (col. 13, lines 25-35) which is linked to a product database (col. 13, lines 29-30) containing normalized product data represented by unique stock keeping unit (SKU) numbers (col. 17, lines 42-44) based on predetermined relationships (col. 17, lines 33-39) in accordance with predetermined rules stored within the knowledge base (col. 14, lines 25-39).

As per claim 3, Povilus teaches an electronic catalog which allows a customer to combine multiple normalized SKUs to configure a special requisition of a custom product with enhanced form or functionality which will be designated by a new normalized SKU (col. 22, lines 40-53) which constitutes a unique description of the special item.

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As per claim 8, Povilus discloses a system where the updated special item information is normalized according to predetermined rules and stored within the catalog database (col. 21, lines 32-34 and col. 22, lines 10-19).

As per claim 9, Povilus teaches an electronic catalog which comprises predetermined relationships including class (col. 13, line 52 – col. 14, line 12), attribute (col. 14, lines 13-18) and value characteristics (col. 15 lines 23-32).

As per claim 10, Povilus teaches a procurement system including a normalized catalog database with unique items identified by class, attribute and value relationships (col. 3, lines 10-13 and col. 17, lines 42-46), a knowledge base with a set of predetermined rules for converting free form catalog information into the normalized catalog database (col. 14, lines 25-33 and col. 19, lines 64-67), and an item selection procedure for locating a desired item within the catalog database (col. 48, lines 4-36). Povilus fails to teach an item specifying procedure that is invoked when the desired item can't be located in the catalog. Dudle teaches a system that allow customers to create custom orders for special items in addition to a catalog of off-the-shelf products (col. 8, lines 32-36), which can then be added to the database for processing future orders (col. 10 lines 31-34). It would have been obvious to one having ordinary skill in the art to combine the electronic catalog of Povilus with Dudle et al.'s custom product ordering system so as to provide a customer with an item specifying procedure for an item not found in a catalog, thereby increasing customer satisfaction.

As per claims 11 and 12, Povilus substantially discloses the invention but does not disclose a procurement system where a structured requisition with a new class,

attribute or value added to preexisting relationships to uniquely identify a desired item is automatically sent to suppliers who were identified by the relationships used to create the structured requisition. Dudle et al. disclose a system wherein a structured requisition is created by modifying an existing item specification which is stored in the database (col. 11, lines 57-63), and wherein a supplier for a structured requisition can be identified based on analysis of which supplier is equipped to most efficiently produce the custom item specifications stored in the database (col. 8, lines 14-24), and can be automatically selected by the system in the course of generating a production order (col. 15, lines 41-44 and 52-54). It would have been obvious to one having ordinary skill in the art to combine Povilus's method for publishing electronic catalogues with Dudle et al.'s custom product ordering system so that a customer who wishes to place a special order can do so directly from the online catalog system and save time.

As per claims 13 -16, Povilus substantially discloses the invention, including a new predetermined rule which uniquely identifies a desired item being added to a knowledge base to provide an update to class, attribute and value relationships (col. 41, lines 31-47), storing identifying information concerning the desired item in the database in accordance with predetermined relationships (col. 34, lines 13-36 ), and a new desired item becoming a catalog item available through the selection procedure (col. 34, lines 28-30 and col. 43, lines 27-30). Povilus does not disclose a system where a structured requisition is used to develop a new predetermined rule for uniquely identifying the desired item. Dudle et al. disclose a system with a rules selection subsystem which allows users to add rules as guidelines for creating a custom matrix

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for a specific customer and storing the rules in the database for future reference (col. 18, lines 4-15). It would have been obvious to one having ordinary skill in the art to combine Povilus's method for publishing electronic catalogues with Dudle et al.'s custom product ordering system so that a manufacturer of a custom item can make its catalog customers aware that the new product exists for the purpose of increasing sales.

As per claims 17-19, Povilus teaches a procurement system including establishing a normalized database of catalog items based on predetermined relationships including class, attribute and value characteristics (col. 3, lines 10-13 and col. 17, lines 42-46), determining rules for converting free form information associated with catalog items into the normalized database (col. 13, lines 25-28 and col. 19, lines 64-67), specifying an additional relationship (see col. 36, lines 18-40, where a new tuning fork node is created, thus specifying a new index to uniquely identify for a new and unique product not found in a catalog database), including at least one class (col. 13, line 52 – col. 14, line 12), attribute (col. 14, lines 15-18) or value (col. 15 lines 23-32) to uniquely identify a new item, incorporating the new class, attribute or value from the specifying step into the determining rules (col. 34, lines 30), and adding the special item to the database using the updated rules (col. 36 line 6 – col. 37 line 13).

Povilus fails to teach processing a request for a special item not located within the catalog database using the predetermined relationships. Dudle teaches a customer or sales representative processing a custom order for a business form that is not located in the electronic database, such as creating the form using form design



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software. Use of such software requires the application of standard rules and procedures that would apply to any custom form being designed (col. 9 line 65 – col. 10 line 34). It would have been obvious to one having ordinary skill in the art to combine the electronic catalog of Povilus with Dudle et al.'s custom product ordering system so that a custom item can be rapidly added to a catalog using predetermined schema, thereby enabling catalog customers to access a new product for the purpose of increasing sales by selling to a wider market.

As per claim 20, Povilus teaches searching for an item within a database (col. 8 lines 2-14 and col. 10 lines 27-60), determining that the item is not in the database (col. 11 lines 4-58), locating a desired supplier for an item (col. 12, lines 16-19), and adding a new item to the catalog database (col. 36 lines 31-39).

Povilus fails to teach creating a structured requisition for an item not within a database. Dudle teaches creating a structured requisition for a special or custom item not found in a database (see discussion of claims 1, 10 and 17 above), and transmitting the custom order to a potential supplier (col. 3 line 59 – col. 4 line 6). It would have been obvious to one having ordinary skill in the art to combine Povilus's method for publishing electronic catalogs with Dudle et al.'s custom product ordering system so that a special item can be quickly produced for a customer and added to a catalog database for ease of ordering future copies of the item, thereby increasing customer satisfaction.

As per claim 21, Povilus teaches normalizing the catalog database by categorizing a new item in accordance with class, attribute and value relationships (col. 9, lines 26-52).

As per claim 22, Povilus teaches a system where the step of creating a structured requisition for an item includes the step of identifying normalized relationships for the item (col. 12, lines 5-13).

As per claim 23, Povilus teaches a system where the transmitting step includes the step of automatically identifying a potential supplier using normalized relationships (col. 12, lines 16-19 and lines 48-52).

As per claim 24, Povilus teaches a system where the step of locating a desired supplier for an item includes the step of creating a new relationship uniquely identifying the item by updating normalized relationships (col. 37, lines 15-33).

As per claim 25, Povilus teaches a system which uses a new relationship to add a new item to the database (col. 34, lines 22-36).

As per claim 26 Povilus teaches a system including a knowledge base and free form data (col. 30, lines 1-6), adding a new relationship to the knowledge base (col. 36, lines 18-21), processing free form data through the knowledge base (col. 36, lines 47-51), and updating the database (col. 38, lines 11-41).

**Claims 4- 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Povilus in view of Dudle et al., and further in view of Conklin et al. (US Patent No. 6,338,050).**

Povilus substantially discloses the invention, including adding a new predetermined rule to uniquely identify a special item (col. 34, lines 13-36 and col. 36, lines 18-39), and a fulfillment organization normalizing the updated data received from

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the supplier (col.34, lines 22-30) based on identical classes and attributes (col. 36, lines 18-22 and lines 34-40). Povilus does not specifically teach a special requisition including a proposed modification to a predetermined relationship, a supplier reviewing the special requisition, basing the new predetermined rule on updated information within a special requisition, or a buyer comparing the updated information as a basis for comparison between each special item available for purchase. Dudle et al. teaches a product estimating and order processing system in which custom item specifications are stored for use as a template for designing further custom business forms (col. 10. lines 27-34), and which allows for a supplier to review a custom product order and make changes as needed (col. 14, lines 47-67). It would have been obvious to one having ordinary skill in the art to combine Povilus's method for updating an electronic catalog to reflect a new product offering with Dudle et al.'s custom order processing system in order to allow a manufacturer to quickly add a new item produced for a special requisition to its online catalog in order to sell to the general public instead of selling only to the buyer who requested the product initially, thereby generating increased revenue into the future.

Povilus and Dudle et al. do not teach a system where a plurality of suppliers review a special requisition and forward updated information for comparison by the buyer. Conklin et al. disclose a multivariate negotiations engine which allows a buyer to submit a Request for Proposal or Request for Quote to multiple sellers (col. 20, lines 23-30) (col. 6, lines 19-20 and 25-32). It would have been obvious to one having ordinary skill in the art to combine Conklin et al.'s multivariate negotiations engine with Povilus's

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method for updating an electronic catalog and Dudle et al.'s custom order processing system in order to allow multiple manufacturers to respond to a special requisition placed by a buyer and compete with each other on an equal footing in order to potentially increase each manufacturer's sales.

**Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Povilus in view of Conklin et al. (US Patent No. 6,338,050).**

Povilus substantially discloses the invention, including a system wherein suppliers are identified with specific predetermined relationships (col. 17, lines 49-54). Povilus does not teach a fulfillment organization selecting a plurality of suppliers to receive and review a special requisition. Conklin et al. disclose a negotiations system which comprises a sponsor who creates and administers a negotiation engine for participation between buyers and sellers (col. 14, lines 1-19), including setting rules for supplier participation to determine that a supplier can fulfill a buyer's requirements (col. 28, lines 46-51). It would have been obvious to one having ordinary skill in the art to combine Povilus's method for publishing electronic catalogues with Conklin et al.'s negotiation engine in order to create a commercial community with a set of rules administered impartially for buyers and sellers by an administrator.

#### **Final Action**

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event however, will the statutory period for response expire later than SIX MONTHS from the mailing date of the final action.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

King, Jr. et al. teach a system for ordering items using an electronic catalog.

Gardner et al. teach an electronic requisition and authorization process.

Walker et al. teach a commercial network system designed to facilitate buyer-driven conditional purchase offers.

Geier et al. teach an order entry system having catalog assistance.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Debra E Kerr whose telephone number is (703) 305-

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3184. The examiner can normally be reached between the hours of 7 a.m. and 4:30 p.m. Monday through Friday.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wynn Coggins can be reached on (703) 305-1440. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 746-7239 for regular communications and (703)746-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-9000.

Debra E. Kerr

DEK

July 25, 2002

  
WYNN W. COGGINS  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3800